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1. This Court has jurisdiction over the claims set forth in this action pursuant to 28 U.S.C. Section 1331 (federal question) and 28 U.S.C. Section 1343 (civil rights).

1 2. Venue is proper in the Northern District of Texas pursuant to 28 U.S.C. 1391(b) in
2 that the claims arose in this district, and Plaintiffs and Defendants are located in this district.

3 3. Costs, expert witness fees, and attorney's fees are sought pursuant to 42 U.S.C.
4 Section 1988.

5 4. Plaintiffs, AMBER TILLEY and MICHAEL TILLEY, as next friend for their minor
6 child, P.T., is currently a resident of the State of Texas, and at all relevant times, P.T. was a student
7 in the Peaster Independent School District.

8 5. Defendant, PEASTER INDEPENDENT SCHOOL DISTRICT (hereinafter referred
9 to as "Peaster"), is a public independent school district in Weatherford, Texas, and is a municipality.

10 6. Defendant JULIE WEST, at all times relevant was an employee of the Peaster
11 Independent School District. She is named in this case both individually and in her official capacity
12 as an employee by the Peaster Independent School District.

13 7. Defendant DEBBIE VAN RITE, at all times relevant was an employee of the Peaster
14 Independent School District. She is named in this case both individually and in her official capacity
15 as an employee of the Peaster Independent School District.

16 8. That the true names or capacities, whether individual, corporate, associate or
17 otherwise, of Defendants DOES I through XX are unknown to Plaintiffs, who therefore, sue said
18 Defendants by such fictitious names.

19 9. Plaintiffs are informed and believe and thereon allege that each of the Defendants
20 designated herein as DOES are responsible in some manner for the events and happenings referred
21 to in this action and proximately caused damages to Plaintiffs as herein alleged, and that Plaintiffs
22 will ask leave of this Court to amend this Complaint, to insert the true names and capacities of said
23 Defendants, and when the same have been ascertained to join such Defendants in this action.

24 10. At all times herein, the individual Defendants and the Defendant Peaster, have been
25 acting under color of law.

26 11. At all times relevant hereto, and in all their actions described herein, Defendants'
27 actions took place in the State of Texas, County of Parker.

28 12. Defendants, and each of them, did the acts and omissions hereinafter alleged in bad

1 faith and with knowledge that their conduct violated well established and settled law.

2 **GENERAL FACTUAL ALLEGATIONS**

3 13. Amber and Michael Tilley have three children that are enrolled, and students of,
4 Peaster ISD. Over the course of several years, various disputes has arisen by the parties, primarily
5 concerning Mr. and Mrs. Tilley requesting appropriate educational services for their oldest son,
6 brother to P.T. However, as a result of the historically contentious relationship the Plaintiff's family
7 and the school district, on numerous occasions employees of Peaster ISD have retaliated against the
8 Tilley children, and further harassed the children and family.

9 14. One manner in which employees of Peaster would harass P.T. would be to constantly
10 accuse him of smelling badly, or calling them terms such as "dirty" and "filthy."

11 15. P.T. is an 8-year old third grader at Peaster Elementary School. On November 15,
12 2011, P.T. went to school and was berated and harassed my employees of Peaster, including
13 Defendant West, who told him that he smelled badly, was dirty, and that he had bad hygiene.
14 Defendant West took P.T. to Defendant Van Rite's office, which was the nurses office.

15 16. Once inside the nurse's office, Defendants instructed P.T. to disrobe and take a
16 shower, all while they were present, and another student was in the office. It was clear to P.T. that
17 Defendants were instructing him do this as means of torment and harassment.

18 17. While P.T. objecting to completely disrobing and taking a shower, Defendants West
19 and Van Rite forced P.T. to remove his clothing and began violently washing his body with a
20 washcloth, scrubbing him over large portion of his body, stuck cotton balls in his ears, all while
21 ridiculing and harassing him about being "dirty."

22 18. P.T. was then forced to apply deodorant at the insistence of Defendants West and Van
23 Rite, who then told P.T. "If you ever come to school dirty again we will strip you buck naked and
24 throw you in the shower and scrub you down."

25 19. P.T. was then told that every morning when he came to school that Defendants were
26 going to spray him and his backpack so that he did not "smell." P.T. asked what they were going
27 to spray him with, to which Defendants responded "it will kill you."

28 20. After noticing that P.T. was visibly and severely distraught on the evening of

1 November 15, 2011, Amber and Michael Tilley learned what P.T. had encountered that day at
2 school.

3 21. On November 16, 2011, Michael Tilley filed a police report with the Parker County
4 Sheriff's Office, alleging assault and battery. While the sheriff's obtained statements from those
5 involved, they elected to no take any further action.

6 22. Beginning shortly afterwards, employees of Peaster began retaliating against P.T. as
7 a result of his complaints and the lawful filing of the police report. P.T. would be excluded from
8 events and activities that all other students were allowed to participate in. When a Peaster employee
9 dressed as Santa Claus (believed by P.T. to be Defendant West) and came to P.T.'s class, this person
10 asked the students if they have "been good," but then looked at P.T. and made a cross-like motion
11 with her fingers, as if to indicate that he had been "naughty."

12 23. Harassment and retaliation continue against P.T. These events have caused severe
13 emotional trauma to P.T., to the extend that he is now in therapy and is exhibiting OCD-type
14 behaviors, such as taking numerous baths a day, constantly cleaning his ears, and spraying himself
15 with large amounts of cologne. P.T. has developed a phobia of getting physically too close to
16 people, out of fear that they will say he is dirty or smells, and is traumatized by attending school and
17 continuing to be victimized.

18 24. As a result of the above, Defendants, and each of them, have wrongly caused Plaintiff
19 to be deprived of his right to not be subject to unreasonable search and seizure, invasion of privacy,
20 retaliation, and infliction of severe emotional distress, all in violation of her U.S. Constitutional and
21 statutory rights, all inflicting emotional distress and physical injury, and damaging him in an amount
22 in excess of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00).

23 **FIRST CAUSE OF ACTION**

24 ***CIVIL RIGHTS VIOLATION UNDER 42 U.S.C. §1983 (MONELL CLAIM)***

25 25. Paragraphs 1 through 24, inclusive are incorporated by reference.

26 26. The actions of Defendants resulted from, and were taken, pursuant to a *de facto* policy
27 of Defendant school district, which is implemented by the employees of the said Defendants, all
28 acting under the color of law, who choose to violate Plaintiff's constitutional rights, without rightful

1 authority of law.

2 27. The existence of the *de facto* policy described above has been known to supervisory
3 and policy making officers and officials of said Defendants for a substantial period of time.

4 28. Despite their knowledge of the said illegal policy and practices, supervisory and
5 policy-making officers and officials of the said Defendants have not taken steps to determine the said
6 practices, have not disciplined or otherwise properly supervised the individual employees who
7 engaged in the said practices, have not effectively trained the employees with regard to the proper
8 constitutional and statutory limits on the exercise of their authority, and have instead sanctioned the
9 policy and the practices described herein.

10 29. That P.T. has a clearly established right to equal access to all benefits and privileges
11 of a public education and a right to be free from invasion of privacy, illegal search and seizure,
12 harassment, and retaliation in school.

13 30. That the above actions and omissions by Defendants were deliberate and intentional
14 and have resulted in violations of Plaintiffs, on behalf of P.T.'s, rights to free from invasion of
15 privacy, illegal search and seizure, harassment, and retaliation, all in violation of the First, Fourth,
16 and Fourteenth Amendment to the United States Constitution.

17 31. That by reason of the aforesaid actions, Defendants' actions exhibit deliberate
18 indifference to and/or reckless disregard for the constitutional rights of P.T. and other similarly
19 situated students, all in violation of his constitutional rights, and as a direct and proximate result
20 thereof, he sustained damages in an amount in excess of SEVENTY-FIVE THOUSAND DOLLARS
21 (\$75,000.00).

22 32. That by reason of the aforesaid actions, Plaintiffs, on behalf of P.T., is entitled to a
23 Permanent Injunction compelling the Defendants, or their agents, to cease and desist harassment and
24 retaliation, to assure that P.T. receives a free and appropriate public education.

25 33. The acts, conduct and behavior of each of the individual Defendants was performed
26 knowingly, intentionally, oppressively, and maliciously, by reason of which Plaintiff is entitled to
27 punitive damages in a sum in excess of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00).

28 34. It has been necessary for the Plaintiff to obtain the services of an attorney to prosecute

1 this action, and Plaintiff is entitled to an award of attorney's fees and costs of suit incurred herein,
2 pursuant to 42 U.S.C. §1988.

3 **SECOND CAUSE OF ACTION**

4 ***INVASION OF PRIVACY, ILLEGAL SEARCH AND SEIZURE***

5 ***FOURTH AND FOURTEENTH AMENDMENT***

6 ***TO THE UNITED STATES CONSTITUTION***

7 35. Paragraphs 1 through 34, inclusive are incorporated by reference.

8 36. The acts and/or omissions by the Defendants were performed in violation of P.T.'s
9 right to be free from invasion of privacy and illegal search and seizure, as guaranteed by the Fourth
10 and Fourteenth Amendment to the United States Constitution.

11 37. As a result of Defendants actions, P.T. suffered and continues to suffer a deprivation
12 of his rights, privileges and immunities secured to them by the Fourth and Fourteenth Amendment
13 to the United States Constitution, all to his damage in excess of SEVENTY-FIVE THOUSAND
14 DOLLARS (\$75,000.00).

15 38. That by reason of the aforesaid actions, Plaintiff is entitled to a Permanent Injunction
16 requiring the Defendants, or their agents, to cease all unlawful and unconstitutional acts that they
17 currently engage in.

18 39. The acts, conduct and behavior of each of the individual Defendants was performed
19 knowingly, intentionally, oppressively, and maliciously, by reason of which Plaintiff is entitled to
20 punitive damages in a sum in excess of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00).

21 40. It has been necessary for the Plaintiff to obtain the services of an attorney to prosecute
22 this action, and Plaintiff is entitled to an award of attorney's fees and costs of suit incurred herein,
23 pursuant to 42 U.S.C. §1988.

24 **THIRD CAUSE OF ACTION**

25 ***RETALIATION IN VIOLATION OF THE FIRST AMENDMENT***

26 ***TO THE UNITED STATES CONSTITUTION***

27 41. Paragraphs 1 through 40, inclusive are incorporated by reference.

28 42. The acts and/or omissions by the Defendants were performed in violation of P.T.'s

1 right to be free from retaliation for filing a police report, and making other public comments, as
2 guaranteed by the First Amendment to the United States Constitution.

3 43. As a result of Defendants actions, P.T. suffered and continues to suffer a deprivation
4 of his rights, privileges and immunities secured to them by the First Amendment to the United States
5 Constitution, all to his damage in excess of SEVENTY-FIVE THOUSAND DOLLARS
6 (\$75,000.00).

7 44. That by reason of the aforesaid actions, Plaintiff is entitled to a Permanent Injunction
8 requiring the Defendants, or their agents, to cease all unlawful and unconstitutional acts that they
9 currently engage in.

10 45. The acts, conduct and behavior of each of the individual Defendants was performed
11 knowingly, intentionally, oppressively, and maliciously, by reason of which Plaintiff is entitled to
12 punitive damages in a sum in excess of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00).

13 46. It has been necessary for the Plaintiff to obtain the services of an attorney to prosecute
14 this action, and Plaintiff is entitled to an award of attorney's fees and costs of suit incurred herein,
15 pursuant to 42 U.S.C. §1988.

16 **FOURTH CAUSE OF ACTION**

17 ***BATTERY***

18 47. Paragraphs 1 through 46, inclusive, are incorporated by reference.

19 48. That on November 15, 2011, Defendants West and Van Rite, made offensive and
20 harmful bodily contact with the Plaintiff, P.T., causing injury and harm to his body.

21 49. As a result of Defendants West and Van Rite's conduct and omissions, Plaintiff has
22 suffered severe physical trauma and invasion of his person, suffered and continues to suffer great
23 mental and emotional harm and anguish.

24 50. That Plaintiff has required medical and psychological care as result of the actions and
25 inactions of Defendants, causing Plaintiff to incur expenses for medical care, treatment, and
26 expenses incidental thereto, all to their damage in an amount not yet fully ascertained, and will ask
27 leave of this Court to amend this Complaint to insert the full amount when the same have been fully
28 ascertained.

1 51. As a result of the battery described above, Plaintiff has suffered serious physical and
2 psychological injury, loss of community reputation, medical expenses, and to incur severe financial
3 obligations in order to retain attorneys to seek redress against the unlawful conduct of the
4 Defendants, as well as deprivation of his liberty, invasion of his privacy, and grievous mental
5 suffering, all to damages in an amount in excess of SEVENTY-FIVE THOUSAND DOLLARS
6 (\$75,000.00).

7 52. The acts, conduct and behavior of the Defendant was performed willfully,
8 intentionally, oppressively, fraudulently and maliciously, by reason of which Plaintiff, is entitled to
9 punitive damages in a sum in excess of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00).

10 **FIFTH CAUSE OF ACTION**

11 ***FALSE IMPRISONMENT***

12 53. Paragraphs 1 through 52, inclusive, are incorporated by reference.

13 54. That while committing the above actions, Defendants West and Van Rite forcibly
14 imprisoned P.T., limiting his movement and forcing him to be contained in a school office, under
15 threat of serious ramifications.

16 55. As a direct and proximate result of the false imprisonment inflicted by Defendants
17 West and Van Rite, P.T. suffered injury and damages all in an amount in excess of SEVENTY-FIVE
18 THOUSAND DOLLARS (\$75,000.00).

19 56. The acts, conduct and behavior of Defendants West and Van Rite were conducted
20 knowingly, intentionally, oppressively, recklessly and maliciously upon P.T. Ergo, entitling P.T. to
21 punitive damages in an amount in excess of SEVENTY-FIVE THOUSAND DOLLARS
22 (\$75,000.00).

23 57. As a result of Defendants West and Van Rite's conduct, P.T. has been forced to incur
24 attorney's fees in an amount in excess of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00)
25 to initiate and litigate this case so as to mitigate his damages, and are therefore entitled to an award
26 of attorney's fees.

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SIXTH CAUSE OF ACTION

CHILD NEGLECT

58. Paragraphs 1 through 57, inclusive, are incorporated by reference.

59. That while committing the above actions, Defendants West and Van Rite neglectfully cared for the minor child, a student at their school, under their care, custody, supervision, and control, causing him bodily and psychological injury.

60. As a direct and proximate result of the child neglect inflicted by Defendants West and Van Rite, P.T. suffered injury and damages all in an amount in excess of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00).

61. The acts, conduct, nonfeasance, malfeasance and behavior of Defendants West and Van Rite were conducted knowingly, intentionally, oppressively, recklessly and maliciously upon PLAINTIFF. Ergo, entitling P.T. to punitive damages in an amount in excess of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00).

62. As a result of Defendants West and Van Rite conduct, Plaintiff has been forced to incur attorney's fees in an amount in excess of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00). to initiate and litigate this case so as to mitigate their damages, and are therefore entitled to an award of attorney's fees.

SEVENTH CAUSE OF ACTION

ASSAULT

63. Paragraphs 1 through 62, inclusive, are incorporated by reference.

64. That while committing the above actions, Defendants West and Van Rite caused Plaintiff P.T. to be placed in reasonable apprehension of immediate bodily harm.

65. As a direct and proximate result of the false imprisonment inflicted upon P.T. by Defendants West and Van Rite, he suffered severe injury and damages all in an amount in excess of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00).

66. The acts, conduct and behavior of Defendants West and Van Rite were performed knowingly, intentionally, oppressively, recklessly and maliciously upon P.T. Ergo, entitling Plaintiff to punitive damages in an amount in excess of SEVENTY-FIVE THOUSAND DOLLARS

1 (\$75,000.00).

2 **EIGHTH CAUSE OF ACTION**

3 ***NEGLIGENT HIRING, TRAINING, & SUPERVISION***

4 67. Paragraphs 1 through 66, inclusive, are incorporated by reference.

5 68. At all times material and relevant herein, the Defendants had a duty to not violate
6 the Constitutional, statutory, and common law rights of their students.

7 69. At all times relevant herein, the Defendant school district had a duty not to hire
8 individuals with a propensity towards committing unlawful acts against those who lawfully go
9 about their business and attend school, and to adequately train and supervise their administrators,
10 agents, and employees.

11 70. At all times relevant herein, the Defendant school district had a duty to protect the
12 public, such as P.T., from the illegal actions of their own employees, and others. In addition,
13 Defendant had a duty not to hire individuals with a propensity towards committing unlawful acts
14 against the public, and to adequately train and supervise their employees.

15 71. Defendants, and each of them, breached their respective duties, and are therefore
16 negligent and liable to Plaintiff, on behalf of P.T., who has suffered serious economic loss, loss
17 of reputation, loss of daily and future income, and to incur severe financial obligations in order
18 to retain attorneys, as well as other painful injuries, deprivation of his liberty, invasion of his
19 privacy, grievous mental suffering, all to his damage in an amount in excess of SEVENTY-FIVE
20 THOUSAND DOLLARS (\$75,000.00).

21 72. It has been necessary for the Plaintiff to obtain the services of an attorney to
22 prosecute this action, and Plaintiff is entitled to an award of attorney's fees and costs of suit
23 incurred herein.

24 **NINTH CAUSE OF ACTION**

25 ***INTENTIONAL AND NEGLIGENT INFLICTION OF SEVERE MENTAL DISTRESS***

26 73. Paragraphs 1 through 72, inclusive, are incorporated by reference.

27 74. As a result of Defendants' intentional and negligent conduct and omissions, P.T.
28 suffered, and continues to suffer, great mental and emotional harm, anguish, insecurity, self-

1 revulsion, damage to his self-esteem, and self-worth, shame and humiliation, including but not
2 limited to: severe and clinical depression, anxiety, loss of sleep, loss of appetite, and OCD-type
3 behaviors.

4 75. Plaintiff requires medical and/or psychological care as result of the actions and
5 inactions of Defendants. This has caused and/or will cause Plaintiff to incur expenses for medical
6 and psychological care, treatment, and expenses incidental thereto. The total amount of
7 Plaintiff's damages cannot yet be fully ascertained, and as such we respectfully ask leave of this
8 Court to amend Plaintiff's Complaint to insert the full amount when such have been fully
9 ascertained.

10 76. As a result of the mental distress described above, P.T. has suffered serious
11 psychological injury, loss of community reputation, medical expenses, and to incur severe
12 financial obligations in order to retain attorneys to seek redress against the unlawful conduct of
13 the Defendants, as well as deprivation of his liberty, invasion of his privacy, and grievous mental
14 suffering, all to damages in an amount in excess of SEVENTY-FIVE THOUSAND DOLLARS
15 (\$75,000.00).

16 77. The acts, conduct and behavior of the Defendants were performed willfully,
17 intentionally, oppressively, fraudulently and maliciously, by reason of which Plaintiff, on behalf
18 of Jacob, is entitled to punitive damages in a sum in excess of SEVENTY-FIVE THOUSAND
19 DOLLARS (\$75,000.00).

20 78. It has been necessary for Plaintiff to obtain the services of an attorney to prosecute
21 this action, and Plaintiff is entitled to an award of attorney's fees and costs of suit incurred herein.

22 **TENTH CAUSE OF ACTION**

23 ***INJUNCTIVE RELIEF***

24 79. Paragraphs 1 through 78 inclusive are incorporated by reference.

25 80. That by reason of the aforesaid actions, Plaintiffs, on behalf of P.T., is entitled to a
26 Permanent Injunction compelling the Defendants, or their agents, to cease all harassment and
27 retaliation of P.T.

28 81. The harm caused by Defendant is irreparable and can only mitigated by the institution

1 of the injunction sought.

2 **WHEREFORE**, Plaintiff prays that this Honorable Court: Enter judgment in Plaintiff's
3 favor, and against the Defendants, and each of them: (a) for compensatory damages in an amount
4 in excess of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00); (b) for punitive damages each
5 in an amount in excess of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00); (c) for
6 injunctive and declaratory relief to reverse the actions of Defendants; and (d) together with the costs
7 and disbursements of this action and such other attorney's fees pursuant to 42 U.S.C. §1988, and
8 further relief as justice requires.

9 DATED this 14th day of June, 2012.

10 **THE BACH LAW GROUP, PLLC**

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